

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sylvia Davidovicz	Team: Squad #12	CCRB Case #: 202002387	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/26/2020 2:57 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 9/26/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 03/27/2020 2:29 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 03/27/2020 2:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Dandraia	27309	957510	073 PCT
2. SGT Michael Nocerino	00491	937192	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Keith Stark	03636	961325	073 PCT
2. DT2 Salvatore Triscritti	07881	927607	073 DET
3. POF Crystal Barbosa	03974	959472	073 PCT
4. POM Danny Lao	00360	966155	073 PCT
5. POF Venus Pagan	10997	968690	073 PCT
6. POM Levon James	19355	968510	073 PCT
7. POM Pedro Sanchez	31856	965504	073 PCT
8. POM Tajram Permauloo	19986	962684	073 PCT
9. POM Christophe Baldi	19796	958283	073 PCT
10. POM Travis Uzwy	01994	966893	073 PCT
11. POM Colin Sneiderman	10671	963762	073 PCT
12. POM Christophe Collado	12199	965692	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Nocerino	Discourtesy: Sergeant Michael Nocerino spoke discourteously to an individual.	
B.SGT Michael Nocerino	Abuse: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.	
C.SGT Michael Nocerino	Abuse: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.	
D.SGT Michael Nocerino	Force: Sergeant Michael Nocerino used physical force against § 87(2)(b)	
E.SGT Michael Nocerino	Force: Sergeant Michael Nocerino used a chokehold against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.SGT Michael Nocerino	Discourtesy: Sergeant Michael Nocerino spoke discourteously to an individual.	
G.SGT Michael Nocerino	Abuse: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.	
H.SGT Michael Nocerino	Force: Sergeant Michael Nocerino used physical force against § 87(2)(b)	
I.POM Vincent Dandraia	Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b)	
J.POM Vincent Dandraia	Force: Police Officer Vincent Dandraia used a chokehold against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On March 27, 2021, § 87(2)(b) made this complaint to the CCRB via the online website.

On March 26, 2020, at 2:57 PM, Sergeant Michael Nocerino, Police Officer Vincent Dandraia, and other officers from the 73rd Precinct responded to a report of a commercial robbery in the vicinity of § 87(2)(b) in Brooklyn. Sergeant Nocerino and Officer Dandraia began were searching for the perpetrator of a robbery. Officers arrested § 87(2)(b) for disorderly conduct, and a crowd gathered to protest his arrest. Included in the crowd were § 87(2)(b) and an unidentified male wearing a multicolored jacket and red boots. Sergeant Nocerino told the unidentified male, “Get the fuck out of here” (**Allegation A: Discourtesy**, § 87(2)(g)). Sergeant Nocerino pointed his conducted energy weapon (CEW) at § 87(2)(b) (**Allegation B: Abuse of Authority**, § 87(2)(g)) (**Allegation C: Abuse of Authority**, § 87(2)(g)). Sergeant Nocerino pushed § 87(2)(b) against a car (**Allegation D: Force**, § 87(2)(g)). Sergeant Nocerino held § 87(2)(b) by the neck (**Allegation E: Force**, § 87(2)(g)). Sergeant Nocerino pushed § 87(2)(b) face-first against the vehicle, causing § 87(2)(b)'s face to strike the vehicle, resulting in an injury to § 87(2)(b)'s mouth (**Allegation D, continued**). Sergeant Nocerino said, “I should’ve fucking killed you” (**Allegation F: Discourtesy**, § 87(2)(g)) (**Allegation G: Abuse of Authority**, § 87(2)(g)).

Sergeant Nocerino and Officer Dandraia handcuffed § 87(2)(b) and walked him to a police vehicle. Sergeant Nocerino pushed § 87(2)(b) into a sitting position on the sidewalk (**Allegation H: Force**, § 87(2)(g)). PO Dandraia grabbed § 87(2)(b) in the area between his throat and collar bone, pushed § 87(2)(b) onto his side, and held § 87(2)(b)'s head against the ground (**Allegation I: Force**, § 87(2)(g)). While he pushed § 87(2)(b) onto the ground, PO Dandraia put his hand onto § 87(2)(b)'s neck and applied pressure (**Allegation J: Force**, § 87(2)(g)). § 87(2)(b) was arrested for disorderly conduct; he was released from the stationhouse with a summons for disorderly conduct.

§ 87(2)(g), § 87(4-b)

The investigation has one cell phone video from § 87(2)(b) that captures much of the incident (Board Review 05, Summary in Board Review 25). The investigation has also received NYPD BWC videos depicting the incident (Board Reviews 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24; Summaries in Board Reviews 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37).

Findings and Recommendations

Allegation (A) Discourtesy: Sergeant Michael Nocerino spoke discourteously to

§ 87(2)(b):

Allegation (B) Abuse of Authority: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.

Allegation (C) Abuse of Authority: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.

On March 27, 2020, § 87(2)(b) called the CCRB to file a complaint about an incident she witnessed on March 26, 2020 (Board Review 49). § 87(2)(b) provided the CCRB with a detailed statement via telephone on April 1, 2020 (Board Review 01). In her statements, § 87(2)(b) explained that she

had been doing laundry in a laundromat when she observed officers outside arresting § 87(2)(b). § 87(2)(b) exited the laundromat to observe the arrest and then observed that officers were apprehending a second individual. This second individual was identified by the investigation as § 87(2)(b) § 87(2)(b) who was standing about a firetruck-length away from § 87(2)(b). § 87(2)(b) made no statements that any officer used profanity or that any officer was holding a conducted energy weapon (CEW).

In the BWC footage recorded by Officer Danny Lao (Board Review 18; summarized in Board Review 31), at approximately 1:16 minutes in the recording, a black male who is bare-chested and wearing red pants is placed into the Officer Lao's police vehicle. Starting at 7:20, this male is brought into the stationhouse and brought before the front desk. At 8:16, this male identifies himself as § 87(2)(b). § 87(2)(b) provides his date of birth and informs officers that he is has no fixed address, and that he moves from house to house.

A CLEAR database search for contact associated with § 87(2)(b) with the provided date of birth yielded one recent listing. A letter was sent to the most recent address for § 87(2)(b) on October 6, 2021, but the letter was returned with notations that § 87(2)(b) had not lived at the location for five years and that the US Postal Service was unable to forward the letter. A telephone call to the telephone number in this listing was answered by an unidentified woman who stated that § 87(2)(b) could not be reached at that telephone number.

Police Officer Levon James' BWC footage (Board Review 13, Summary in Board Review 26) begins approximately two minutes before Sergeant Nocerino's BWC footage. When the BWC footage begins, PO James is with other officers inside of a laundromat. At 00:24 minutes in the recording, PO James exits the laundromat, and at 00:27, PO James's BWC camera depicts two officers in plainclothes – including an officer identified by the investigation as Sergeant Nocerino – arresting a male wearing a multi-colored jacket and tan boots. shirt. At 1:18, PO James turns towards several individuals who are standing at a distance of approximately 20 feet and further. One individual is a male wearing a multicolored jacket and red boots, one is wearing a white shirt and black pants, one is wearing a black jacket and blue jeans, and one is wearing red pants. The individual in the red pants was identified by the investigation as § 87(2)(b) § 87(2)(b) and the other males are yelling at officers, and the male in the white shirt is seen holding up a cell phone. At 01:25 minutes into this video, Sergeant Nocerino walks in front of PO James. Sergeant Nocerino walks in the direction of § 87(2)(b) and the unidentified male in the multicolored jacket. Sergeant Nocerino states, "Let's see how tough you are." PO James follows Sergeant Nocerino, who walks past § 87(2)(b) § 87(2)(b) is yelling at the officers. At 01:29 minutes into the video, § 87(2)(b) says, "You're soft," to Sergeant Nocerino. At 01:30, § 87(2)(b) says, "You're soft too. You're soft too. You're soft, Black man," to PO James as he passes § 87(2)(b). At 1:35, Sergeant Nocerino walks towards the unidentified male in a multicolored jacket and red boots, gestures at this unidentified individual, and states, "Get the fuck out of here." Sergeant Nocerino walks away, back towards the laundromat. At 01:38 minutes, § 87(2)(b) who is momentarily depicted standing to the left of PO James, makes indistinct statements including the terms "white boy," "smack," and "baldy." Immediately thereafter, Sergeant Nocerino walks in front of PO James, then to the left of PO James and out of the camera's view. At 01:41, § 87(2)(b) states, "Don't touch me!" PO James turns back towards the laundromat. At 01:42 minutes in the recording, when the native timestamp on the video is 14:57:32, someone says, "You can't touch me." There is then a loud thumping sound, and a groan or moan. At 01:47, an unknown individual, standing several feet away, states, "Yo, son, I work for 311, that's wrong." As PO James walks back toward the laundromat, § 87(2)(b) can be heard saying, "Dick face" multiple times. At 01:49, Sergeant Nocerino walks away from § 87(2)(b) and the other males and towards the laundromat. At 1:54 minutes in the recording, § 87(2)(b) is seen walking, with a civilian holding on to § 87(2)(b). At 1:57, PO James and other officers walk back in the direction of the laundromat.

PO James turns off his camera immediately thereafter; the timestamp reads 14:57:49. PO James later re-activates his BWC, generating a second BWC video file (Board Review 21; summarized in Board Review 34). This second file starts with a timestamp of 14:59:45. At the time the recording starts, § 87(2)(b) is on the ground and is being handcuffed.

The investigation obtained BWC footage recorded by Sergeant Nocerino (Board Review 14, Summary in Board Review 27). The audio in the recording does not start until 01:00 minutes in the recording. When the video starts, the native timestamp reads 14:57:42 GMT – 4. At 00:22 minutes into the recording, Sergeant Nocerino turns towards the individuals protesting the arrest, several buildings away, and walks towards them. A male wearing red pants and a red shirt – identified by the investigation as § 87(2)(b) – is seen removing his jacket and shirt and throwing these items of clothing to the ground. § 87(2)(b) walks in a circle, initially moving away from Sergeant Nocerino as he approaches before turning back to face in Sergeant Nocerino’s direction. A male wearing a multi-colored jacket and red pants stands in front of § 87(2)(b). As Sergeant Nocerino approaches § 87(2)(b), § 87(2)(b) is standing with his back to a car and with both arms stretched over his head straight out over his head. At 00:38 seconds, PO Nocerino, who continues to walk towards § 87(2)(b), holds his conducted energy weapon (CEW) in his hand, points it at § 87(2)(b)’s head or chest area, and says, “Turn around.” At this time, at least eight other civilians are standing within four yards of § 87(2)(b). At 00:39, Sergeant Nocerino shouts at § 87(2)(b) to turn around. At 00:40 seconds, a red dot is visible on § 87(2)(b)’s upper chest, a few inches below his clavicle. A few moments later, Sergeant Nocerino is standing immediately in front of § 87(2)(b). A red dot is visible on § 87(2)(b)’s left jaw. Sergeant Nocerino yells, “Turn around” a third time. At 00:41, Sergeant Nocerino pushes § 87(2)(b)’s left shoulder, causing him to turn around and fall face-first against the car that was behind him. At 00:46 seconds, the CEW is visible in Sgt Nocerino’s right hand. Sergeant Nocerino gestures toward § 87(2)(b) whose neck he is holding in his left hand, with his CEW and says, “Cuff him.” At 00:53, while Sergeant Nocerino holds § 87(2)(b) against the hood of the car with his hand on the back of § 87(2)(b)’s neck. During this time, Sergeant Nocerino continues to point his taser at § 87(2)(b).

§ 87(2)(b) provided the investigation with footage that she filmed on her cell phone (Board Review 05, Summary in Board Review 25). § 87(2)(b)’s footage, which contains audio throughout, begins with § 87(2)(b) standing behind a handcuffed male who is wearing a multicolored jacket and tan boots. At 00:15 in the recording, the video depicts Sergeant Nocerino’s interaction with § 87(2)(b) but because of the distance and the number of civilians and officers standing between the camera and § 87(2)(b), details of the physical interaction are not visible. At 00:27, § 87(2)(b) is depicted in close proximity to if not leaning on a vehicle, with Sergeant Nocerino and two other officers standing behind § 87(2)(b). At 00:38 seconds into this recording, Sergeant Nocerino is depicted holding a taser while walking with a handcuffed § 87(2)(b) toward an NYPD vehicle § 87(2)(b) has what appears to be blood on his mouth.

In his CCRB interview, Sergeant Nocerino stated that after he arrested § 87(2)(b) near the incident location, § 87(2)(b) began yelling at officers from approximately two stores north of where the officers stood (Board Review 02). § 87(2)(b) yelled obscenities, stated he wanted to fight the police, and removed his jacket and shirt. As § 87(2)(b) yelled at police officers, numerous other civilians stood in the area. § 87(2)(b) yelled at a volume that attracted the attention of other civilians. Additionally, § 87(2)(b) raised his closed fists when he stated he wanted to fight Sergeant Nocerino. Sergeant Nocerino stated that he made the decision to transport § 87(2)(b) to the stationhouse and issue him a summons when he began yelling at officers and threatening to fight them. Sergeant Nocerino stated that he drew his CEW and pointed it at § 87(2)(b) as he approached § 87(2)(b) and that this caused § 87(2)(b) to put his hands up and turn

around. Sergeant Nocerino stated that he believed that pointing his CEW at § 87(2)(b) represented the minimum force necessary to induce § 87(2)(b) to comply with officer commands.

In his CCRB interview, Police Officer Christopher Baldi stated that after Sergeant Nocerino and PO Dandraia arrested an unknown male near the scene of the incident, § 87(2)(b) started yelling at Sergeant Nocerino (Board Review 03). PO Baldi could not remember what § 87(2)(b) was yelling. PO Baldi stated that Sergeant Nocerino ordered § 87(2)(b) to leave the area and § 87(2)(b) refused. PO Baldi could not remember exactly what § 87(2)(b) was yelling at Sergeant Nocerino, but the things that § 87(2)(b) was saying and the volume of his voice led PO Baldi to believe that § 87(2)(b) was a threat to the officers. PO Baldi believed that § 87(2)(b)'s behavior met the standard for a disorderly conduct summons. PO Baldi stated in his CCRB interview that he did not remember Sergeant Nocerino pointing a CEW at § 87(2)(b).

In his CCRB interview, PO Dandraia stated that he heard § 87(2)(b) and Sergeant Nocerino arguing loudly at the scene of the incident (Board Review 04). PO Dandraia stated that he then saw § 87(2)(b) standing in a fighting stance, which PO Dandraia described as standing with clenched fists and tensed muscles. Upon observing § 87(2)(b) enter this stance, PO Dandraia told Sergeant Nocerino not to fight § 87(2)(b) and to draw his CEW. PO Dandraia saw that Sergeant Nocerino drew his CEW and did not see if Sergeant Nocerino pointed his CEW at § 87(2)(b).

Summons § 87(2)(b) was issued to § 87(2)(b) by Officer Vincent Dandraia on § 87(2)(b) (Board Review 11). The summons lists the offense as 240.20, subsection 1; the sub-category is listed as “fighting.” The narrative section states: “At [time and place of occurrence], the undersigned observed defendant on a public sidewalk with intent to cause disruption, act in a violent manner towards police.”

Because the statement is depicted in BWC footage, the investigation confirmed that Sergeant Nocerino spoke discourteously to an unidentified individual. Likewise, because the BWC footage depicts Sergeant Nocerino pointing the taser / Conducted Energy Weapon (CEW) at § 87(2)(b)'s chest and at his face, the investigation determined that this occurred. Allegation B was pleaded to address Sergeant Nocerino pointing the CEW at § 87(2)(b)'s chest area, and Allegation C was pleaded to address Sergeant Nocerino pointing the CEW at § 87(2)(b)'s face.

Patrol Guide Procedure 200-02 states that officers are required to treat civilians with “with compassion, courtesy, professionalism, and respect” and to “render our services with courtesy and civility” (Board Review 44).

In Police Department v. Court (Board Review 51), the administrative court examined a case where an officer used discourteous language while speaking with an unruly and non-compliant civilian. In the case, officers were attempting to disperse a crowd of approximately 40 people who had gathered after the nightclub had shut for the evening. At the time the profane statement was made, the officer was attempting to disperse a crowd, and had repeatedly directed the civilian to leave the area to no avail. The decision noted that because the civilian had failed to comply with previous instructions, and because the civilian's refusal could possibly ignite the crowd and convert the interaction into a potentially dangerous and explosive situation, the officer's use of profanity did not constitute misconduct.

Patrol Guide Procedure 221-01 (Board Review 48) dictates that “force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody,” and that officers should use “only the reasonable force necessary to gain control or custody of a subject.”

The procedure outlines the following factors to determine whether the use of force is reasonable:

- a) The nature and severity of the crime / circumstances
- b) Actions taken by the subject
- c) Duration of the action
- d) Immediacy of the perceived threat or harm to the subject, members of the service, and / or bystanders
- e) Whether the subject is actively resisting custody
- f) Whether the subject is attempting to evade arrest by flight
- g) Number of subjects in comparison to the MOS
- h) Size, age, and condition of the subject in comparison to the MOS
- i) Subject's violent history, if known
- j) Presence of hostile crowds or agitators
- k) Subject apparently under the influence of a stimulant / narcotic which would affect pain tolerance or increase the likelihood of violence

The procedure also notes that "When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force."

Patrol Guide Procedure 221-08 (Board Review 45) states: "A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present." The procedure defines active resisting as "physically evasive movements to defeat a member the service's attempt at control, including bracing, tensing pushing, or verbally signaling an intention to avoid or prevent being taken into or restrained in custody." Active aggression is defined as "threat or overt act of assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent." "It is strictly prohibited to use the CEW on persons as a form of coercion or punishment and on persons who passively resist (e.g., going limp, offering no active physical resistance)." The procedure directs notes that when feasible, officers should "issue a verbal warning, consistent with personal safety, to the intended subject in conjunction with a laser warning," and that this should be done "to gain voluntary compliance and prevent the need to use force." A laser warning is defined as "pointing and placing the laser dot of an activated CEW on a subject in order to attempt to achieve voluntary compliance. The procedure notes that "the recommended point of aim is lower center mass for frontal discharges (below the chest) and below the neck area for discharges at a subject's back. Avoid discharging at an individual's head, neck, and chest, if possible."

Penal Law 240.20, subsection 1 (Board Review 50), notes that "a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or in violent, tumultuous or threatening behavior." Disorderly conduct is a violation.

Sergeant Nocerino stated that he did not recall whether he used profanity while speaking with civilians on scene, but BWC footage confirms that he told an unidentified civilian wearing a multicolored jacket and red boots, "Get the fuck out of here." The use of profanity is generally antithetical to the mandate in Patrol Guide Procedure 200-02 requiring officers to treat civilians with courtesy and professionalism. While administrative cases like Police Department v. Court do allow for limited exceptions in which an officer may use profanity, the circumstances present in this case are dissimilar from the circumstances present in Court. In Court, the officer's assignment is crowd dispersal and getting the crowd to disperse was the officer's main assignment, the victim in Court had refused numerous orders to comply with the order to leave, and the victim's refusal to disperse had an impact on the officers' duties at hand. In this case, officers were dealing with a

separate matter – a commercial robbery – a significant distance from the unidentified male in the multicolored jacket and red boots, the victim’s presence did not impede the officers’ ability to investigate the commercial robbery, and there is no indication in the BWC or police testimony that any officer had issued prior orders for the victim or other civilians to leave the location. § 87(2)(g)

BWC footage of § 87(2)(b) s behavior at the time Sergeant Nocerino pointed the CEW at him does show § 87(2)(b) acting in a manner that was insulting and belligerent. § 87(2)(b) yelled at officers while protesting the arrest of another, shouted insults at officers, and removed his clothing as if he intended to fight with officers. The BWC also shows that another civilian held § 87(2)(b) in an attempt to restrain § 87(2)(b) s interactions with the police. However, when § 87(2)(b) removed his clothing, Sergeant Nocerino were a significant distance away from § 87(2)(b) The BWC footage also shows that Sergeant Nocerino walked a significant way down the block to approach § 87(2)(b) The investigation determined that § 87(2)(b) may have been acting in a disorderly manner, though he did so from a distance from the site of the investigation and first arrest. It should be noted that disorderly conduct is a violation, which is an offense of a less serious nature than a misdemeanor.

§ 87(2)(g)

Patrol Guide Procedure 221-01 notes that officers are permitted to use force when it is reasonable to place a person in custody, and that they are only allowed to use “the reasonable force necessary to gain control or custody of a subject.” Although § 87(2)(b) s initial behavior was belligerent, by the time Sergeant Nocerino approached § 87(2)(b) § 87(2)(b) had his hands in the air. § 87(2)(b) did not comply with Sergeant Nocerino’s repeated order to turn around, which is a form of resistance. § 87(2)(g)

However, § 87(2)(b) s resistance was limited to his failure to turn around when ordered to do so and was thus minimal and passive; § 87(2)(b) made no movement during Sergeant Nocerino’s approach that could be considered active aggression. § 87(2)(g)

Indeed, Procedure 221-08 specifically prohibits officers from using the CEW against individuals who go limp or otherwise offer no active physical resistance, which is what the BWC shows § 87(2)(b) was doing. § 87(2)(g)

§ 87(2)(g)

Further, when Sergeant Nocerino first pointed the CEW at § 87(2)(b) the laser warning dot showed that the CEW was aimed at § 87(2)(b) s clavicle, which is an area in between his upper chest and neck. When Sergeant Nocerino was within inches of § 87(2)(b) he pointed the taser at § 87(2)(b) s jaw. Under Patrol Guide Procedure 221-08, officers are directed to avoid discharging the taser at the head, neck, and chest area. Under these guidelines, Sergeant Nocerino would not have been permitted to discharge his CEW in the areas of § 87(2)(b) s body where he aimed the CEW.

§ 87(2)(g)

Allegation (D) Force: Sergeant Michael Nocerino used physical force against § 87(2)(b)

Allegation (E) Force: Sergeant Michael Nocerino used a chokehold against § 87(2)(b)

In her CCRB interview, § 87(2)(b) stated that she saw three to five officers pushing § 87(2)(b) identified by the investigation as § 87(2)(b) face-down onto the hood of a car from about one firetruck-length away. The officers held § 87(2)(b) on the car for 30 to 40 seconds before walking him away from the car.

At 00:40 seconds into Sergeant Nocerino's BWC footage, Sergeant Nocerino is depicting pointing his CEW at § 87(2)(b) and shouting, "Turn around." § 87(2)(b) does not turn around. At 00:41, Sergeant Nocerino forcefully pushes § 87(2)(b)'s left shoulder, causing § 87(2)(b) to fall into the hood of the car with his chest against the hood of the car. At 00:42, Sergeant Nocerino grasps the back of § 87(2)(b)'s neck while § 87(2)(b) stands with his chest against the hood of the car. At 00:47, § 87(2)(b) returns to a partially standing position. Sergeant Nocerino's hand is still grasping § 87(2)(b)'s neck, with Sergeant Nocerino's left thumb approximately halfway between § 87(2)(b)'s right ear and the front of § 87(2)(b)'s neck. At 00:49, Sergeant Nocerino, still holding § 87(2)(b)'s neck from behind, pushes § 87(2)(b) back down toward the hood of the car while saying, "Shut up." At 00:58 seconds, after § 87(2)(b) has been restrained with his hands behind his back, Sergeant Nocerino releases the back of § 87(2)(b)'s neck and § 87(2)(b) stands up.

In his CCRB interview, Sergeant Nocerino stated that when he reached § 87(2)(b) he instructed § 87(2)(b) to turn around, and that § 87(2)(b) complied with these instructions. Sergeant Nocerino placed his hand on the back of § 87(2)(b)'s neck to hold § 87(2)(b) still while placing him in handcuffs. While pushing § 87(2)(b)'s head down, Sergeant Nocerino's hand moved from the rear of § 87(2)(b)'s neck to the rear of § 87(2)(b)'s head. Sergeant Nocerino also stated that § 87(2)(b) was not taking any action to resist officers at the time that he had his hand around § 87(2)(b)'s neck. In his CCRB testimony while discussing injuries sustained by § 87(2)(b), Sergeant Nocerino stated that he believed that § 87(2)(b) sustained a laceration to his lip when § 87(2)(b)'s face hit the vehicle. Sergeant Nocerino stated that he did not exert pressure against the sides of § 87(2)(b)'s neck and did not intend to restrict § 87(2)(b)'s breathing. § 87(2)(b) did not at this time complain he had any trouble breathing. After placing § 87(2)(b) in handcuffs, Sergeant Nocerino released § 87(2)(b)'s head. Based on Sergeant Nocerino's understanding of a chokehold, he did not believe that he used a chokehold against § 87(2)(b).

In his CCRB interview, PO Dandraia stated that he placed § 87(2)(b) in handcuffs. While handcuffing § 87(2)(b), PO Dandraia was focused on § 87(2)(b)'s hands. PO Dandraia did not know if Sergeant Nocerino's hands or any part of Sergeant Nocerino's body was in any contact with § 87(2)(b)'s neck. PO Dandraia did not know if he used his own handcuffs or if he used Sergeant Nocerino's handcuffs.

As discussed above, Patrol Guide Procedure 221-01 governs the use of force. Procedure 221-01 states that officers **SHALL NOT** [emphasis in the original] use a chokehold, and defines a chokehold thusly: "A chokehold shall include, but is not limited to, any pressure to the throat or

windpipe, which may prevent or hinder breathing or reduce intake of air.”

BWC footage shows that Sergeant Nocerino used force against § 87(2)(b) by pushing § 87(2)(b) so that he turned around and fell onto his chest on a nearby vehicle and later when he pushed § 87(2)(b)'s head into the vehicle. This second action caused § 87(2)(b) to sustain a bleeding injury to his mouth. As discussed under Allegation B and C, at the time Sergeant Nocerino pushed § 87(2)(b) § 87(2)(b) had behaved in a belligerent manner, held his hands up and engaged in no active aggression as Sergeant Nocerino approached him, but failed to comply with repeated orders for § 87(2)(b) to turn around. § 87(2)(g)

§ 87(2)(b) Likewise, at the time Sergeant Nocerino pushed § 87(2)(b) against the vehicle causing his face to make contact with the vehicle, the BWC footage shows that § 87(2)(b) had raised his torso away from the vehicle. Although Sergeant Nocerino informed the CCRB that § 87(2)(b) did not offer any resistance as he was being held against the vehicle, the BWC footage would indicate otherwise. This, again, was an action that constitutes a form of resistance to Sergeant Nocerino's efforts to keep § 87(2)(b) against the vehicle so that he could be handcuffed and taken into custody. § 87(2)(g)

§ 87(2)(b) In both instances, Sergeant Nocerino's actions were limited to pushing § 87(2)(b)'s body and head towards the vehicle. These efforts placed § 87(2)(b) in a position that allowed him to be handcuffed and forestalled the potential of additional resistance. § 87(2)(g)

The BWC footage depicts Sergeant Nocerino with his hand around § 87(2)(b)'s neck for approximately 16 seconds. The BWC footage shows that Sergeant Nocerino's hands were not only on the back of § 87(2)(b)'s neck, but also on the side of his neck, with Sergeant Nocerino's left thumb approximately halfway between § 87(2)(b)'s right ear and the front of § 87(2)(b)'s neck. After the video shows this positioning of Sergeant Nocerino's hands, Sergeant Nocerino applies pressure to § 87(2)(b)'s neck to push him against the vehicle, as discussed above under Allegation D. Sergeant Nocerino's position throughout and his ability to control § 87(2)(b)'s body in this manner while holding only § 87(2)(b)'s neck indicates that Sergeant Nocerino was applying force and pressure to § 87(2)(b)'s neck. The Patrol Guide at the time of incident defined an action that includes “but is not limited to, any pressure to the throat or windpipe.” It is not necessary that the action impede a civilian's breathing, just that the action has the potential to impede breathing. Here, Sergeant Nocerino's action of holding and applying pressure to the side of § 87(2)(b)'s neck effectively resulted in him applying pressure to § 87(2)(b)'s throat, and, as such, had a potential to impede § 87(2)(b)'s breathing. The Patrol Guide notes that chokeholds are impermissible under all circumstances, and so a discussion of the circumstances surrounding this use of force cannot mitigate the action. Nonetheless, it should be noted that at the time Sergeant Nocerino performed this action, § 87(2)(b) was being arrested for the relatively minor offense of disorderly conduct, there were several officers in the immediate vicinity meaning that Sergeant Nocerino was not outnumbered, and Sergeant Nocerino was pointing his CEW at § 87(2)(b) § 87(2)(g)

Allegation (F) Discourtesy: Sergeant Michael Nocerino spoke discourteously to § 87(2)(b).

Allegation (G) Abuse of Authority: Sergeant Michael Nocerino threatened § 87(2)(b) with the use of force.

BWC footage confirms that Sergeant Nocerino told § 87(2)(b) either “I should’ve fucking killed you” or “I’m gonna fucking kill you.” This statement was analyzed as a discourtesy under Allegation F and as a threat of force under Allegation G.

Sergeant Nocerino’s BWC footage (Board Review 14; summarized in Board Review 27), captures Sergeant Nocerino verbally threatening to use force against § 87(2)(b). At 00:55 seconds into Sergeant Nocerino’s BWC video, Sergeant Nocerino’s voice can be heard saying “...fucking kill you.” At this point in the footage, Sergeant Nocerino is holding § 87(2)(b)’s neck with his left hand and pointing a CEW at § 87(2)(b) with his right hand. § 87(2)(b)’s face and chest are pressed against the hood of a car. The timestamp in the video reads 14:58:37. When he says, “...fucking kill you,” Sergeant Nocerino speaks significantly more quietly than he did when ordering § 87(2)(b) to turn around at 00:39 seconds, when he ordered another officer to place § 87(2)(b) in handcuffs at 00:45 seconds into the video, and when he told § 87(2)(b) to shut up at 00:50 seconds into the footage.

At 00:37 seconds into PO Permauloo’s BWC footage, timestamp 14:58:37, Sergeant Nocerino is depicted from behind. He is depicted pointing his CEW at § 87(2)(b) who is bent over the hood of the car, with his right hand. The front of Sergeant Nocerino’s body is not visible. Three officers stand directly to the left of Sergeant Nocerino and help him to detain § 87(2)(b). The officer directly to the left of Sergeant Nocerino places handcuffs onto § 87(2)(b). No civilians aside from § 87(2)(b) are within six feet of Sergeant Nocerino at this moment.

During his CCRB interview, Sergeant Nocerino stated that he said, “I’m going to kill you.” When asked if he used the word “fucking” while making this statement, he said that he had. Sergeant Nocerino stated that he made this statement in an attempt to disperse a crowd that had gathered around himself and § 87(2)(b).

As noted above, Patrol Guide Procedure 200-02 governs the manner in which officers must treat civilians.

As noted above, Police Department v. Court establishes a limited exception to the prohibition against the use of profanity.

As noted above, Patrol Guide Procedure 221-01 governs the use of force. Procedure 221-01 also notes that “the use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death” (Board Review 06).

Sergeant Nocerino’s assertion that he made the statement “I’m going to fucking kill you” to disperse civilians is not consistent with the facts of the case as established by the BWC footage. Specifically, there were no civilians in the immediate vicinity when the statement was made. Additionally, because Sergeant Nocerino spoke more quietly when making this statement than when he issued a command to the officer directly to his left, this belies the idea that he was

attempting to communicate with civilians who were further away. Finally, the statement “I’m going to fucking kill you” does not contain any instructions – implied or otherwise – for civilians to disperse. Instead, the investigation determined that Sergeant Nocerino’s statement was made solely to § 87(2)(b)

The use of an obscenity when speaking with a civilian is impermissible under the direction of Patrol Guide Procedure 200-02 to render services “with courtesy and civility.” While the administrative courts have held that officers may use discourteous language under limited circumstances, Court makes clear that this exception can only be applied when an officer is attempting to maintain control of situation and when the officer is addressing a non-compliant civilian. At the time the statement was made, the situation was under control as § 87(2)(b) had been restrained, he was not resisting, and he was surrounded by several officers. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

The investigation also analyzed Sergeant Nocerino’s statement “I’m going to fucking kill you” as a threat to use force. Under the guidelines of Patrol Guide Procedure 221-01, officers can only use force when “when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.” When the statement was made, § 87(2)(b) was under the physical control of officers as Sergeant Nocerino had § 87(2)(b)’s body bent over the hood of a car, Sergeant Nocerino had his hand around § 87(2)(b)’s neck, and Sergeant Nocerino was pointing a CEW at him. Three officers were assisting Sergeant Nocerino. Given that § 87(2)(b) was restrained by officers and was not resisting officers’ attempts to apprehend him, there is no indication that Sergeant Nocerino needed to use force at all or any additional force. When he stated, “I’m going to fucking kill you,” Sergeant Nocerino threatened to not just use force but to use deadly force against § 87(2)(b). Under Procedure 221-01, “the use of deadly physical force against a person can only be used to protect [a member of the service] and/or the public from imminent serious physical injury or death.” There is no indication from officer testimony or BWC footage that there was a risk of imminent serious physical injury or death,” especially given that § 87(2)(b) was already restrained and was not offering any resistance to the officers’ attempts to restrain him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (H) Force: Sergeant Michael Nocerino used physical force against § 87(2)(b)

In her CCRB interview, § 87(2)(b) stated that she witnessed Sergeant Nocerino walk § 87(2)(b) down the sidewalk toward the area in front of the laundromat after handcuffing him. § 87(2)(b) then saw Sergeant Nocerino take an action that she was not able to describe that caused § 87(2)(b) to fall to his knees. After falling to his knees, § 87(2)(b) stated that he had asthma, that he suffered from seizures, and that he was having trouble breathing. § 87(2)(b) stated that Sergeant Nocerino then pushed § 87(2)(b) from his knees onto his side, although she was unable to describe exactly what actions Sergeant Nocerino took to do this.

At 00:27 seconds into the cell phone video created and provided to the CCRB by § 87(2)(b) (Board Review 05), PO Dandraia and Sergeant Nocerino are depicted walking § 87(2)(b) who is handcuffed, away from a parked vehicle and down the sidewalk toward § 87(2)(b). At 00:45 seconds, Sergeant Nocerino says, “Sit down.” Holding § 87(2)(b)’s right arm in both of his hands,

swings § 87(2)(b)'s body downward so that § 87(2)(b) lands on the ground, with § 87(2)(b)'s buttocks hitting the ground first, followed less than a second later by his right elbow hitting the ground.

At 01:12 minutes into Sergeant Nocerino's BWC video (Board Review 14), § 87(2)(b) says, "I didn't do nothing wrong," while facing forward as Sergeant Nocerino. Sergeant Nocerino, who is standing on § 87(2)(b)'s right, walks him down the sidewalk with PO Dandraia. Sergeant Nocerino says, "Sit down," and appears to push § 87(2)(b) to the ground with one hand, though the exact action is not clearly depicted. Sergeant Nocerino and PO Dandraia are not depicted making any statements regarding § 87(2)(b) spitting on them before Sergeant Nocerino pushes § 87(2)(b) to the ground.

In his CCRB interview, Sergeant Nocerino stated that he and PO Dandraia walked § 87(2)(b) towards their vehicle. During this process, § 87(2)(b) was speaking at a loud volume, and spittle was coming out of § 87(2)(b)'s mouth. Sergeant Nocerino did not believe that § 87(2)(b) was intentionally attempting to spit on himself or PO Dandraia. Spit from § 87(2)(b)'s mouth did not come into contact with Sergeant Nocerino or PO Dandraia. Sergeant Nocerino and PO Dandraia placed § 87(2)(b) on the ground. Although he was asked repeatedly about the mechanics of how § 87(2)(b) came to be seated on the ground, Sergeant Nocerino would state only: "We just sat him down." Sergeant Nocerino stated that he did not throw or push § 87(2)(b) onto the ground.

In his CCRB interview, PO Dandraia stated that § 87(2)(b) either sat on the ground voluntarily or when ordered to do so by PO Dandraia. PO Dandraia stated that he did not throw § 87(2)(b) to the ground. In his CCRB interview, PO Dandraia was shown the cell phone video provided to the investigation by § 87(2)(b) beginning at 00:38 seconds into the video. PO Dandraia stated that he did not independently recall Sergeant Nocerino conducting a takedown of § 87(2)(b) as depicted in the video. PO Dandraia stated that he did not know why Sergeant Nocerino had conducted this takedown and that he had not discussed it with Sergeant Nocerino after the incident.

As noted above, Patrol Guide Procedure 221-01 governs police use of force. The procedure notes that "When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force." It also states that officers **SHALL NOT** [emphasis in the original] use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or overcome active physical resistance or assault."

The BWC footage and cell phone video of this incident show that Sergeant Nocerino did use force to bring § 87(2)(b) to the ground. At the time this use of force occurred, § 87(2)(b) was in handcuffs and was in the custody of two officers – Sergeant Nocerino and PO Dandraia. The BWC does not show nor did officers allege that § 87(2)(b) was offering resistance to their attempts to retain custody of him or that he was attempting to escape from custody when force was used.

Sergeant Nocerino stated that he used the takedown because § 87(2)(b) was spitting—apparently involuntarily—as he spoke. As per the officer statements and BWC footage, neither officer informed § 87(2)(b) that he was spitting or took other actions that might forestall the alleged spitting without the need for the use of force. Further, while the BWC footage shows that Sergeant Nocerino told § 87(2)(b) to sit down at the same time that he used force against § 87(2)(b) by doing so Sergeant Nocerino did not allow § 87(2)(b) time to comply with the instruction prior to using force to bring him to the ground. This does not comport with Procedure 221-01's directive to use de-escalation techniques to forestall the need to use force. Instead, Sergeant Nocerino responded to an act that he believed to be involuntary by using force without warning or

explanation. Procedure 221-01 notes that officers shall not use force against handcuffed subjects unless necessary to prevent injury, escape, or overcome active physical resistance or assault.

§ 87(2)(g)

Allegation (I) Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b) .

In her CCRB interview, § 87(2)(b) stated that she saw PO Dandraia's hand come into contact with § 87(2)(b)'s neck. § 87(2)(b) could not tell if PO Dandraia's hand was clenched, if he was exerting any pressure on § 87(2)(b)'s neck, or if § 87(2)(b) was experiencing any difficulty breathing. She then saw PO Dandraia move his hand onto § 87(2)(b)'s face. § 87(2)(b) stated that § 87(2)(b) was not doing anything in response to PO Dandraia's actions.

At 00:53 seconds into § 87(2)(b)'s cell phone video, PO Dandraia places his right hand in the right angle created by § 87(2)(b)'s neck and left collar bone. § 87(2)(b) states that PO Dandraia is touching his "pressure point" and that he suffers from seizures and asthma. At approximately 01:20 minutes, PO Dandraia moves his left hand to the space between § 87(2)(b)'s neck and collar bone and grasps § 87(2)(b)'s left arm with his right hand. PO Dandraia then pushes so that § 87(2)(b) is lying on the sidewalk on his right side with his mouth facing away from PO Dandraia. The exact position of PO Dandraia's left hand at this moment is not clear. At 01:23 minutes, PO Dandraia places his fingertips on § 87(2)(b)'s neck or the lower left side of § 87(2)(b)'s face. At 01:37 minutes, PO Dandraia pushes § 87(2)(b)'s face against the sidewalk. At 01:38, § 87(2)(b) lifts his head. At 01:39, PO Dandraia presses his entire hand flat against the left side of § 87(2)(b)'s face, causing § 87(2)(b)'s head to be pushed against the sidewalk. At 02:02 minutes into the video, PO Dandraia releases § 87(2)(b)'s face and he and another officer pull § 87(2)(b) up into a standing position.

At 01:45 minutes into Sergeant Nocerino's BWC footage, PO Dandraia is visible with his hand in the area between the left side of § 87(2)(b)'s neck and § 87(2)(b)'s collar bone. § 87(2)(b)'s back is to the camera, so the placement of PO Dandraia's hand relative to the front of § 87(2)(b)'s body is not clear.

In his CCRB interview, PO Dandraia stated that he walked § 87(2)(b) down Rockaway Avenue toward an NYPD vehicle after he was handcuffed. PO Dandraia noticed that § 87(2)(b) was bleeding from his mouth. As PO Dandraia walked with § 87(2)(b), § 87(2)(b) spoke loudly, causing blood and saliva to come from his mouth. PO Dandraia stated in his CCRB interview that § 87(2)(b) made a statement regarding his being able to fight all of the officers present if he were not handcuffed. PO Dandraia stated that as § 87(2)(b) sat down on the ground, spit from § 87(2)(b)'s mouth landed on PO Dandraia's chest and chin. PO Dandraia did not believe that § 87(2)(b) was attempting to direct spit or blood towards him. After § 87(2)(b)'s spit landed on PO Dandraia's body, PO Dandraia decided to turn § 87(2)(b)'s face away from where PO Dandraia stood. PO Dandraia pushed § 87(2)(b)'s cheek with an open hand and directed pressure on his face to make § 87(2)(b)'s head turn away from where PO Dandraia stood. Other than this pressure, PO Dandraia did not take any other physical action at this time. § 87(2)(b)'s face, to PO Dandraia's recollection, did not come into contact with the ground at this point.

In his CCRB interview, Sergeant Nocerino initially stated that no part of any officer's body came into contact with § 87(2)(b)'s neck, and no officer took any action to restrict § 87(2)(b)'s

breathing while § 87(2)(b) was lying on the sidewalk. Sergeant Nocerino stated that PO Dandraia's hand was in contact with § 87(2)(b)'s cheek, to direct his face away from where officers were and prevent him from spitting on the officers. During his CCRB interview, Sergeant Nocerino was shown the cell phone video captured and provided to the investigation by § 87(2)(b) from 00:37 seconds to 01:35 minutes. Sergeant Nocerino stated that between 01:10 minutes and 01:25 minutes, PO Dandraia's hand came into contact with the side of § 87(2)(b)'s neck. Sergeant Nocerino stated that PO Dandraia had not been compressing § 87(2)(b)'s neck, that had been the point at which PO Dandraia was holding § 87(2)(b)'s face against the ground. Sergeant Nocerino stated that he believed that PO Dandraia's physical position at the point discussed was compliant with departmental procedure.

As noted under the discussion of Allegation H, Patrol Guide Procedure 221-01 notes that officers are not permitted to use force against handcuffed civilians "unless necessary to prevent injury, escape or overcome active physical resistance or assault."

None of the involved officers stated that § 87(2)(b) who was handcuffed, attempted to escape or was engaged in active physical resistance or assault." As described in the discussion of Allegation H, PO Dandraia stated that he, like Sergeant Nocerino, believed that § 87(2)(b) was unintentionally spitting as he spoke to members of the crowd. Sergeant Nocerino brought § 87(2)(b) to the ground, as discussed under Allegation H. PO Dandraia stated that he used force against the handcuffed § 87(2)(b) to stop him from accidentally spitting as he spoke. Video footage shows that PO Dandraia did not provide § 87(2)(b) with an explanation or issue a verbal warning prior to his use of force. Although PO Dandraia stated that he did not push § 87(2)(b)'s face against the ground, it is clear from § 87(2)(b)'s cell phone video that he did.

As per § 87(2)(b)'s recording of the incident, at 01:20 minutes in the recording, § 87(2)(b)'s head is close to the ground with his mouth facing away from PO Dandraia, which would seem to indicate that the goal of minimizing or eliminating the possibility of contact with § 87(2)(b)'s accidental spit had been achieved. This would seem to eliminate the need to use additional force, as PO Dandraia did at approximately 1:39 minutes into the recording. Further, as in the discussion in Allegation H, PO Dandraia did not use de-escalation techniques like verbal instructions or warnings that might allow § 87(2)(b) to prevent any spit from accidentally striking PO Dandraia.

§ 87(2)(g)
[REDACTED]

Allegation (J) Force: Police Officer Vincent Dandraia used a chokehold against § 87(2)(b)

As described in Allegation I, the video provided to the investigation by § 87(2)(b) depicts PO Dandraia holding § 87(2)(b) at the point between § 87(2)(b)'s throat and collar bone, then forcing § 87(2)(b) onto his side and placing his hand against the side of § 87(2)(b)'s neck. The degree of pressure PO Dandraia is applying to § 87(2)(b)'s neck is not clear in the video.

In his CCRB interview, PO Dandraia stated that while he turned § 87(2)(b)'s face away, no part of PO Dandraia's hand or body came into contact with § 87(2)(b)'s neck. PO Dandraia did not recall

§ 87(2)(b) complaining or stating that he was having any difficulty breathing. PO Dandraia stated that he did not take any action that, based on his understanding, could have restricted § 87(2)(b)'s breathing.

At the time of the incident, the Patrol Guide defined a chokehold as “any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.”

Although the cell phone video provided to the investigation by § 87(2)(b) does depict PO Dandraia's hand coming into contact with § 87(2)(b)'s neck and coming near § 87(2)(b)'s neck in a way that appears to cause § 87(2)(b) distress, it does not show PO Dandraia taking an action that would be likely to actually prevent § 87(2)(b) from breathing. § 87(2)(g) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

§ 87(2)(g), § 87(4-b) -

████████████████████

[REDACTED]

[REDACTED]

§ 87(2)(g), § 87(4-b)

██████████

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 42).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 43).
- Sergeant Nocerino has been a member of service for 16 years and has been a subject in 18 other complaints and 46 allegations, of which four were substantiated.
 - 201902270 involved substantiated allegations of failure to provide RTKA card, a frisk, refusal to provide shield number, and failure to produce stop and frisk report. The Board recommended Formalized Training for the frisk § 87(2)(g), § 87(4-b) the NYPD imposed Instructions. The Board recommended Instructions for failure to provide RTKA card and refusal to provide shield number allegations and the NYPD imposed instructions.
- PO Dandraia has been a member of service for six years and has been a subject in 11 other complaints and 30 allegations, of which four were substantiated.
 - 201902270 involved substantiated allegations of failure to provide RTKA card, a frisk, search of a person, and failure to produce stop and frisk report. The Board recommended Instructions for the failure to provide RTKA card allegation and Formalized Training for the other three allegations and the NYPD imposed Formalized Training for all of the allegations.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On March 18, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 55).

§ 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 12

Investigator: Sylvia Davidovicz Inv. Sylvia Davidovicz 09/08/2021
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson March 18, 2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

